

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Board Meeting
March 30, 2011

Meeting Began At: 3:34 P.M.

Meeting Ended At: 4:45 P.M.

Members Present: Jayne Snyder, Chris Beutler, Tim Clare

Item 1 - Introductions and Notice of Open Meetings Law Posted by Door

Chair Snyder opened the meeting and advised that the open meetings law is in effect and is posted in the back of the room.

Item 2 – Public Comment and Time Limit Notification

Snyder stated that individuals from the audience will be given a total of five minutes to speak on specific items listed on today's agenda. Those testifying should identify themselves for the official record and sign in.

Item 3 – Approval of the minutes from the JPA meeting held March 10, 2011

Snyder asked for any corrections or changes to the minutes from March 10, 2011. Hearing none, Beutler motioned for approval of the minutes. Clare seconded the motion. Motion carried 3-0.

Item 4 – West Haymarket Progress Report

Jim Martin, Program Manager with SAIC, came forward and distributed the midmonth progress report to the Board. Martin is preparing for a meeting next Monday regarding the schematic design budget review for the arena and to pull the costs in line with the budget. Bids were received for the 10th and Salt Creek project and were within the projected estimates. The low bidder and award for that contract is on the agenda today. The Post Office parking lot goes out for bids on April 1st and will be opened on April 28th. There is a slight change to the M and N Street project; it will be split into two phases. M Street and 8th Street will be advertized in early May with construction beginning in early June. N Street will be delayed because the contractor will be hauling dirt across it and Martin doesn't want to repave prior to that.

The Amtrak station platform and canopy are out for first review by the Railroad. It will go out for bid in July with construction in August. The District Energy plant is under design and because it is immediately adjacent to the parking garage just south of Q Street, Davis Design and Farris Engineering are working to create a shared foundation. Everything is on track for the second closing on June 2nd with Burlington Northern. In regards to the environmental

remediation, all of the diesel polluted soil is out. Gravel is going into the base of the excavation and will be covered with a layer of fabric. Once that is done, the contractor will start to refill the site, which will put them a couple weeks ahead of schedule. The critical path items are the design of the festival area and location of the Breslow Ice Center.

Clare inquired if the timing issues outlined in the report are on target. Martin replied that the schedule is tight but they are still on target. Snyder asked if the project would be taking part of the Champions Club parking lot and replacing it. Martin explained that there will be some reworking on the very north tip of the parking lot but the result will either add a parking space or be space neutral. Snyder then asked if individuals from the clubs and ice skating community have been involved in the discussions regarding the ice center. Martin advised that he has attended meetings where many of those people have been present, but it was at the direction of the University Foundation and he was invited to answer design and construction questions.

Snyder asked for comments from the public. No one came forward.

Item 5 – Bill No. WH 11-25 Resolution conditionally authorizing M.A. Mortenson Company (Construction Manager) to commence Construction Related Services and incur costs therefore

Paula Yancey, PC Sports, explained that this resolution is based on the preconstruction agreement that was approved for Mortenson Construction. It will allow them to bring their staff on in May, get their offices set up and get staff up to speed so they are ready to start construction in September.

Clare noted that construction related services is listed as a capitalized item and asked what services that includes. Yancey advised that in addition to the previous items it will include bringing the project managers down and starting the bidding process in preparation for major construction starting in September. These costs will be included in the Guaranteed Maximum Price (GMP).

Snyder asked for comments from the public. Hearing none, Clare made a motion to approve the resolution. Beutler seconded the motion. Motion carried 3-0.

Item 6 – Bill No. WH 11-26 Resolution to approve the Land Exchange Agreement between the West Haymarket Joint Public Agency, City of Lincoln, Nebraska, and Star City Federal LLC, pertaining to an exchange of land between the parties to accommodate construction of the 10th and Salt Creek Roadway Project including construction of certain parking lot improvements on property Star City Federal is acquiring in order to make Star City Federal whole from any loss of parking and functionality at its existing parking lot operation.

Rick Peo informed the Board that he put this item on the agenda last week with the hope that he would have a signed agreement before this meeting. The attorney representing Star City Federal has agreed to the terms and sent the agreement out to their membership for concurrence, but it has not come back yet. This item will have to be continued until the next meeting unless the

Board will give authorization for the Mayor to approve the agreement if it comes in the interim. This is on a fast track as the work is scheduled to begin after the Spring football game on April 16th. If the agreement is not approved until April 14th, it might now allow Star City Federal to get their contractor geared up to start. The Board's approval would have to be with the understanding that the Mayor would be authorized to sign for both the City and the JPA as it is a three party agreement.

Snyder asked if Peo expected Star City Federal to come back with any significant changes to the agreement. Peo stated that they were somewhat concerned about the City requiring a 16' wide sidewalk to be built along the side of the building, primarily to accommodate football pedestrian traffic. They have concerns about who is going to be responsible for the maintenance and upkeep of that sidewalk because it is not a typical sidewalk for a property owner to maintain. They may be asking the City or JPA to be responsible for that.

Beutler inquired about the costs associated with the construction and improvement of the parking lot. Peo explained that the parking lot improvements are estimated to be \$250,000 not including the underground wiring which he did not have a number on yet. The cost of the wiring and underground utilities would be a credit that the JPA could potentially deduct from the \$172,000 boot payment Star City Federal will receive because they giving more property than they will be receiving back.

Clare indicated that he did not have any objections to the agreement as it stands but he did not think it set good precedence to put Mayor Beutler in a position where he is signing on behalf of the City and the JPA. Therefore, he would oppose going forward. Snyder asked if the contractor has been informed to begin preparing depending on the contract status. Peo advised that the JPA contractor is but he is not sure about the Star City Federal contractor. They have to remove some existing lighting and put down their wiring before the JPA contractor paves the new parking area. The agreement does say that if they don't get this installed in a timely manner then they will have to bore underneath and install it at their expense.

Clare offered to have a short Board meeting next week if Peo gets the contract signed to keep things moving forward.

Item 7 – Bill No. WH 11-27 Resolution to approve Change Order No. 2 to the Agreement with General Excavating, Inc. for additional work associated with diesel plume remediation.

Dan Marvin presented the Board with the amounts budgeted for the environmental remediation of the area north of O Street. At the time of the vote, \$7.5 million was budgeted for environmental remediation which was broken out into several areas. The area north of O Street was budgeted at \$4.1 million. The expenditures in that area began with environmental insurance which provided an additional \$25 million of coverage per occurrence if there had been an unexpected event. The Board then approved \$832,000 for Benesch to provide professional services for the environmental analysis. There is also a change order before the Board for work General Excavating has done and if approved that contract would be for approximately \$1.3 million. Marvin is anticipating a Title 200 reimbursement from the State for \$809,000 bringing

the total expenditures to \$1.64 million. This will leave a balance of about \$2.5 million which means the work was completed for 40% of the estimated cost.

Miki Esposito informed the Board that there was a huge milestone last week and all of the diesel has been removed from the site. Any impediments to redevelopment are also gone, including liabilities associated with that pollution. The rest of the diesel plume remediation will be accomplished with this change order. There will be some procedural steps to take with NDEQ for a fully clean site.

Ernie Castillo with Urban Development gave a brief update on the work General Excavating has done. Approximately 14,000 yards of bad soil has been removed from an area that measured 130' long by 200' wide by 16' deep. Castillo showed photos of the excavation and the shoring wall on the west side of the hole. The wall provided support and protection to the active railroad lines. He also showed a photo of a bulldozer pushing rock along the bottom of the pit about 2' deep with filler fabric on top. The project manager informed Castillo this morning that everything is on track and they are currently backfilling with clay and compacting. They are going to be working on Saturday and are confident in meeting the May 10th time extension.

Esposito advised that Change Order 2 is essentially for three items. The first is for soil hauling and disposal of approximately 4,500 tons of overburdened soil for a cost of approx \$50,000. This item is budget neutral because when they got in the field it was decided they wouldn't do any stock piling as the overburden was not usable on site. There was money identified for stock piling and use of those overburdened soils which will go away when they reconcile at the end of the project. The second item involves geotechnical fabric. As the contractor was excavating, it was determined that the bottom of the hole needed some granular material and fabric to meet geotechnical requirements. Esposito is asking the Board for authorization to put that in as a line item for a cost of \$150,000. The final item is for additional sheet piling for the shoring wall that protects the rail line and a man hole in the area. That item will add \$312,000 to the contract for a total Change Order of over \$500,000.

Clare inquired if the \$500,000 is included in the budget figures which show the environmental remediation \$2.5 million under budget. Esposito answered that it is included and they would like to preserve the remaining amount for the remediation work south of O Street. Snyder asked if there will be any shoring needed when work starts south of O Street. Esposito noted that shoring will be needed when work starts on the Alter sliver. Those tracks are going to remain active while work is done. The wall will be substantially smaller but there will be costs for that.

Snyder asked for comments from the public. Jane Kinsey came forward and asked about the dirty soil being taken to the landfill in Milford and if it would create an environmental problem there. Esposito explained that the contractor received the lowest quote from the landfill in Milford. The soil taken there is characterized as special waste and the JPA received a special waste permit through the Health Department and also coordinated with NDEQ to comply with landfill disposal requirements. Milford is a landfill that can receive special waste under the law. There are landfill requirements that put safeguards into place to mitigate any problems associated with long term exposure to the environment. The Environmental Team followed protocols and

permit requirements so it now becomes the landfills responsibility to maintain their liners and their own permit at the facility.

Mike Koberlein, representing the Lincoln Independent Business Association (LIBA), came forward and stated that LIBA requests that the West Haymarket JPA review the application of Davis-Bacon wages to the West Haymarket project. LIBA requests the JPA do a study on whether buying back the Recovery Zone Bonds and paying the \$10 million penalty would be less expensive than paying Davis-Bacon wages for the entire project. LIBA also requests the JPA to provide access to proposed project documents seven days prior to any JPA meeting to ensure sufficient time to review the documents prior to approval.

Snyder noted that the Board has decided that they are going to try to get the agenda and backup information online eight days prior to the meetings with the knowledge that they don't always have control over other entities and there may be some last minute changes.

Dan Marvin came forward to address the Davis-Bacon concerns expressed by LIBA. The analysis shows that over the life of the bonds there will be a \$7 million savings. Mortenson is working on a detailed white paper to analyze the additional costs and will present that information at the April 14th meeting. The preliminary information shows that the project will not incur anywhere near the kind of added costs that it receives in savings by issuing the Recovery Zone Bonds. The Public Works Department has had a substantial amount of experience running projects with Davis-Bacon requirements. Roger Figard has stated that they have not experienced cost impacts from that. Mortenson has reviewed the Lancaster Davis-Bacon wage tables and compared those to what they actually experience when bidding projects. They are not particularly disturbed by the requirements of Davis-Bacon either but they will speak to that issue on April 14th.

Snyder asked for any other comments. Hearing none, Beutler made a motion to approve the resolution. Clare seconded the motion. Motion carried 3-0.

Item 8 – Bill No. WH 11-28 Resolution to approve a contract with TCW Construction Inc. for construction of the Haymarket Infrastructure Improvement, 10th and Salt Creek Roadway, Project No. 870304 (Bid No. 11-053) for a cost of \$2,787,464.22.

Roger Figard explained that this contract represents the first transportation and roadway work for the West Haymarket. This project provides the connection from what will be the new Backbone Road to 8th Street with connections into 9th and 10th Streets. The goal is to complete work this summer so the University and arena site can be accessed without going through the Haymarket itself. This project was advertized on March 4th and bids were received on March 23rd. The low bid came in at \$2.78 million by TCW, the second low bid was from Constructors Inc. for \$2.88 million and the third bid came from Dobson Brothers for \$3.99 million. The engineer's estimate was \$2.78 million with the low bid from TCW coming within \$10,000 or \$11,000 of the estimate. The estimates and bids were reviewed by the Lincoln Haymarket Infrastructure Team (LHIT), SAIC and also Public Works. All found that the bid from TCW is responsible and recommend that the JPA Board award the bid.

The project has been laid out in phases to accommodate the Spring football game, Lincoln Marathon, University Commencement and the first football game in September. The contractor will begin work just following the spring football game and the anticipated completion date is August 27th. This is not the final completion date as there will be clean up to do but the roadways will be open the week before the first football game. Snyder noted that more than one phase will be going on at a time and inquired about the penalties if the contractor does not complete in time. Figard stated that there are both incentives and liquidated damages in order to make sure the contractor understands the seriousness of the completion dates. They understand that they may have to put in extra days and put on extra crews if necessary. There are also different penalties for each phase because the impact to the community is different if some of the work is not completed.

Beutler asked if this project in addition to the land exchange agreement with Star City Federal LLC, is still within the anticipated budget. Figard answered that it is within what has been laid out for this part of the project. Beutler requested that Figard work with the Law Dept to let the Board know if they need to have a special meeting to approve the land exchange agreement in order to avoid a conflict with the first football game.

Clare noted that the Executive Summary says this is the lowest bidder and asked if it should be revised to say lowest responsible bidder. Figard stated that TCW was the lowest bidder and they would not bring forward a recommendation of award if they didn't think the bidder was responsible. Jim Martin wrote the summary and concurred with Figard.

Beutler pointed out that the City is still becoming acquainted with roundabouts and this project involves two roundabouts. He asked Figard to talk about the advantages of roundabouts and how the one at 33rd & Sheridan has worked. Figard explained that today's modern roundabout is more efficient, safer and more economical over the long term. Modern roundabouts have better signing with clear lane markings so people know which lane they need to be in. In many ways a roundabout is operated in much the same way as a signalized intersection. As you approach a signalized intersection to turn right, you stay in the outside lane. A modern roundabout is the same way, you approach and go right. To go straight you stay in the middle or outside lane depending on the markings. In order to turn left, as you approach the roundabout you stay in the inside lane and go around the circle. People will adapt fairly quickly to that. There was a lot of opposition and anxiety when the City put in the first roundabout at 33rd and Sheridan, however, the public quickly realized they simply needed to look to the left and yield to the vehicles in the circle. In the first couple of years, the number of crashes dropped dramatically.

This intersection is unique in that people wanted to access the University and the Haymarket coming from the south and the north. That made some of the turning movements more complicated which is why two roundabouts were necessary. Jon Olsen from Olsson Associates presented a short video showing how people would use them. The video is a simulation that shows PM peak traffic movement in the year 2035 with a volume of about 35,000 vehicles. As shown, the roundabouts can handle that volume very well. There were numerous alternatives that were looked at but none would have allowed full access to Stadium Drive.

Beutler asked if traffic will flow without police directing event traffic. Olsen stated that after UNL football games a police officer will be needed to help direct traffic. If there is too much traffic trying to enter the roundabout from one leg it begins to overtake the roundabout. It will be pretty simple to direct traffic because one leg will be stopped allowing the other legs to go. Arena traffic was studied and post event traffic will flow without event management. Pre-event traffic will be less than football but will have the same issue with traffic entering from the south overtaking the roundabout, so event management will be required to help that situation.

Snyder asked for comments from the public. Jane Kinsey came forward and stated that she belongs to an organization called The Watchdogs of Lincoln Government. She has been contacted by the public that use the roundabouts at peak times and they have stated there is a backup of traffic and they are concerned about safety. In just the last few days there was an accident at one of the roundabouts. She asked that the Board send their staff or friends out to see how it is actually working.

Beutler noted that City staff have done traffic, accident and comprehensive studies of the roundabout's performance showing that roundabouts are safer and faster. Kinsey stated that those that travel the roundabouts at peak times are finding that the backup of traffic is horrendous and comprehensive studies don't always match the real world actuality. Clare added that he routinely drives through the roundabout at 40th and Sheridan to drop kids off at Southeast and has not experienced problems. He asked what sort of data could be provided to help alleviate some of the anxiety and concerns. Kinsey noted that the specific concerns are the backup of traffic and safety. She suggested that Clare to inform the public about his experience and ask them to let him know about theirs.

Figard pointed out that there are traffic cameras at these locations and City staff work day in and day out to manage traffic and make things safer and more efficient. He is certain that during rush time traffic backs up more than it does during the middle part of the day, however, the backup and delay would be more significant at a signalized intersection. They also did a before and after study of the roundabout with staff out there counting, watching and evaluating. Figard hopes that as other roundabouts are built throughout the City the public will have the opportunity to drive them and conclude that they are a good alternative for the future. There are some states that have mandated that any intersection being reconstructed must be studied to determine if a roundabout is a viable alternative because they are greener, safer and much more efficient. He also noted that the new Nebraska Drivers Manual has a couple of pages devoted to driving single and double lane roundabouts. He is confident that information wouldn't be in the manual if the community and industry didn't think it was a safe and reasonable alternative. Snyder asked that Figard release some of the studies and data to the public to calm some of the anxiety.

Snyder asked for any other comments. Hearing none, Clare made a motion to approve the resolution but noted that he had to abstain from the vote due to a conflict of interest with TCW. He has conferred with legal counsel and they have advised that it won't jeopardize moving forward. Beutler seconded the motion. Motion carried 2-0.

Item 9 – Set Next Meeting Date

Bob Caldwell with the Mortenson/Hampton Team came forward to make an announcement. They are having their first Subcontractor and Supplier Outreach Session on April 27th from 5:00 to 6:00 P.M. at the Cornhusker. This is part of their ongoing outreach that was started last fall. There will be more information about project scheduling, the procurement process and the timeline for bidding and subcontracting. He also pointed out that Hampton just completed a new roundabout at their new development at 84th and Glynoaks. They are very happy with it and wanted to thank the City for its effort to make traffic more efficient.

Clare asked Caldwell and Martin to talk about the internship opportunities they have been putting together. Caldwell stated that the Construction Management Program at the University of Nebraska and other institutions in the state have done a great job of preparing students to work with them. They have anywhere from four to five interns working throughout the year that will be assisting the team on the arena and other projects across the state. They will also be working closely with the Lincoln Chamber of Commerce and their intern program to network interns throughout the entire community to get young people excited about staying in Lincoln. Martin added that he has been working with Dr. Ted Weidner to coordinate the intern program and look at the opportunity for some paid internships for the summer. They will also get the schedule up for fall and spring internships. He hopes to have a program rough draft to share in the next 30 days and will work in conjunction with Mortenson/Hampton so that everyone gets the most benefit possible.

Snyder reiterated that that they are going to make an effort to get information out to the public eight days before the Board meetings. There is a lot of material and deadlines to meet, so they may not make it 100% of the time but they will make that effort.

The next meeting will be held on Thursday April 14, 2011 at 3:30 P.M. in Room 303. The public and press will be informed if another meeting is scheduled to address the land exchange agreement.

Beutler made a motion to adjourn, Clare seconded the motion. Meeting adjourned at 4:45 P.M.

Prepared by: Melissa Ramos-Lammli, Engineering Services